

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INTEROCEAN COAL SALES, LDC,

Plaintiff,

-against-

EVONIK TRADING GmbH, an alien corporation,  
EVONIK DEGUSSA CORPORATION, an Alabama  
corporation, EVONIK INDUSTRIES, AG, an alien  
corporation, and EVONIK STEAG GmbH, an alien  
corporation,

Defendants.  
----- X



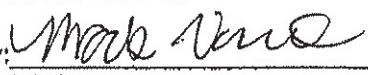

11 Civ. 0940 (NRB)

**STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties to the above-captioned matter hereby stipulate and agree as follows:

1. Defendants Evonik Degussa Corporation and Evonik Industries AG, and all claims against them, are hereby voluntarily dismissed with prejudice from this action;
2. The Counterclaim and Fourth Affirmative Defense of Defendant Evonik Trading GmbH ("Evonik Trading") are hereby voluntarily dismissed with prejudice;
3. Evonik Trading's Second Affirmative Defense is likewise dismissed only to the extent it is based upon Plaintiff Interocean Coal Sales, LDC's failure to pay demurrage owed to Evonik Trading for two coal cargoes delivered in 2010; and
4. Each party shall bear its own costs and attorneys' fees with respect to the claims and defenses dismissed hereunder and shall not seek to recover such costs or attorneys' fees from any opposing party.

July 26  
Dated: \_\_\_\_\_, 2011  
New York, New York

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